

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 3:16-CR-20
)
SCOTT WOMBOLD,) Judge Collier
)
Defendant.)

O R D E R

On February 8, 2017, Defendant Scott Wombold filed a motion to suppress oral statements he allegedly made to law enforcement agents on April 15, 2013. (Docs. 132, 133.) The Government responded in opposition (Docs. 144, 165), and Defendant replied (Doc. 151). Magistrate Judge Bruce Guyton held an evidentiary hearing on the motion on March 24, 2017 and issued a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) on June 1, 2017 recommending the motion be denied. (Doc. 180.) The Magistrate Judge reasoned that Defendant was not in custody when he gave his statements, and warnings under *Miranda v. Arizona*, 384 U.S. 436 (1966), were therefore not required. (*Id.*) Defendant objected to the R&R on June 15, 2017 (Doc. 186), and the Government responded in opposition on June 28, 2017 (Doc. 195).

For the reasons set out in the accompanying Memorandum, the Court (1) **MODIFIES** the sentence “Wombold did not claim to see other agents through the opening or that an agent was guarding his door” on pages 39 through 40 of the R&R by removing the phrase “to see other agents through the opening or,” so the sentence reads “Wombold did not claim that an agent was guarding his door”; (2) **MODIFIES** the sentence “After one and one-half hours of questioning,

Agent Fisher offered to move to another location of Wombold's choosing" on page 32 of the R&R by replacing "After one and one-half hours of questioning" with "Approximately half-way through the questioning"; (3) **ACCEPTS** and **ADOPTS** the remainder of the R&R (Doc. 180) insofar as it relates to Defendant Wombold¹; and (4) **DENIES** Defendant's motion to suppress (Doc. 132).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

¹ The Court previously accepted the portion of the R&R recommending denial of a motion to suppress (Doc. 132) filed by Defendant Heather Jones and denied Defendant Jones's motion to suppress by separate order. (Doc. 199.)